

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

HENRIK HAUSCHILDT

)

BY: _____
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

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DEPUTY

Plaintiff,

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vs.

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AGTEXAS FARM CREDIT SERVICES

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Defendant.

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Cause No: 6:24-cv-00086-ADA-JCM

MOTION FOR LEAVE TO AMEND PLAINTIFF'S COMPLAINT FOR DAMAGES

COMES NOW Plaintiff Henrik Hauschmidt, and pursuant to Rule 15(a) of the Federal Rules of Civil Procedure, respectfully moves this Honorable Court for leave to file an Amended Complaint for Damages. In support of this motion, Plaintiff states as follows:

1. Background:

- Plaintiff filed the original Complaint in this action on February 9, 2024.
- The proposed Amended Complaint includes new allegations and claims that have arisen based on additional facts and circumstances that have come to light since the filing of the original Complaint.

2. Proposed Amendments:

- The Amended Complaint seeks to add new factual allegations and legal claims against Defendant, as outlined in the Proposed Amended Complaint attached hereto as ***Exhibit A***.
- Specifically, the amendments address issues related to peonage, breach of contract, breach of fiduciary duties, money had and received, fraud, unlawful

conversion, and unjust enrichment as more fully detailed in the attached Amended Complaint.

3. Legal Standard:

- Rule 15(a) of the Federal Rules of Civil Procedure states that leave to amend “shall be freely given when justice so requires.”
- Courts have interpreted this rule to allow amendments unless there is a showing of undue delay, bad faith, dilatory motive, repeated failure to cure deficiencies by amendments previously allowed undue prejudice to the opposing party, or futility of the amendment.

4. Justification for Amendment:

- Plaintiff seeks to amend the Complaint to accurately reflect the current state of the case and ensure all pertinent facts and claims are presented before the Court.
- Allowing this amendment will serve the interests of justice by enabling the Plaintiff to fully articulate the basis of his claims against the Defendant.
- Defendant will not be unduly prejudiced by this amendment as it arises from the same transactions and occurrences set forth in the original Complaint.

5. Supporting Case Law:

- ***Dussouy v. Gulf Coast Inv. Corp., 660 F.2d 594 (5th Cir. 1981)***: In Dussouy, the Fifth Circuit emphasized that leave to amend should be freely given unless there is a substantial reason to deny it, such as undue delay, bad faith, dilatory motive, repeated failure to cure deficiencies by previous amendments, undue prejudice to the opposing party, or futility of the amendment. The court reiterated that the

policy of the federal rules is to permit liberal amendment to facilitate a decision on the merits rather than on procedural technicalities.

6. Conclusion:

- Plaintiff has acted diligently and in good faith in seeking this amendment.
- The proposed amendments are necessary to present the full scope of Plaintiff's claims and ensure a fair and complete adjudication of the matters in dispute.

WHEREFORE, Plaintiff respectfully requests that this Court grant Plaintiff leave to file the attached Amended Complaint for Damages and for any further relief this Court deems just and proper.

June 14th, 2024

RESPECTFULLY SUBMITTED,

HENRIK HAUSCHILDT

BY: /s/ Henrik Hauschmidt
Henrik Hauschmidt, Agent
Plaintiff, Pro Se
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Certificate of Service

Plaintiff certifies that on June 14th, 2024, the foregoing *Motion for Leave to Amend Complaint for Damages and Demand for Jury Trial* was filed with the Clerk of this Court via ECF and all counsel of record.

/s/ Henrik Hauschmidt

Distribution:

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